

## **INTERFERENCE DIGEST**

Interference No. 105,448

Paper No.

Name: Pramod K. Srivastava et al.

Serial No.: 10/640,604

Patent No.

Title: Compositions and methods for the prevention and treatment of primary and metastatic neoplastic diseases with heat shock/stress proteins

Filed: 08/12/03

Interference with Wallen et al.

### **DECISION ON MOTIONS**

Administrative Patent Judge, \_\_\_\_\_ Dated, \_\_\_\_\_

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### **FINAL DECISION**

Board of Patent Appeals and Interferences, \_\_\_\_\_ Dated, \_\_\_\_\_

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Court, \_\_\_\_\_ Dated, \_\_\_\_\_

### **REMARKS**

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This should be placed in each application or patent involved in interference in addition to the interference letters.



## UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231

MAILED

JUN 1 - 2007

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Filed by: Judge Richard Torczon  
Telephone: 571-272-4683  
Facsimile: 571-273-0042

Applicants: SRIVASTAVA

Application No.: 10/640,604

Filed: 08/12/03

For: Compositions and methods for the prevention  
and treatment of primary and metastatic neoplastic  
diseases with heat shock/stress proteins

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,448.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Richard Torczon/  
RICHARD TORCZON  
Administrative Patent Judge

BoxInterferences@uspto.gov  
Telephone: 571-272-4683

Paper 1  
DECLARED 1 June 2007

UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,448 (RT)  
(From Technology Center 1600)

SCIENCE & TECHNOLOGY CORPORATION @UNM  
(6713608),  
Junior Party,

v.

FORDHAM UNIVERSITY  
(10/640,604),  
Senior Party.

DECLARATION - BD.R. 203(b)<sup>1</sup>

By TORCZON, *Administrative Patent Judge*.

A. DECLARATION OF INTERFERENCE

An interference is declared pursuant to 35 U.S.C. 135(a). Details of the application, patent, count, and claims designated as corresponding to the count appear under headings E and F.

B. DESIGNATION TO MANAGE

Administrative Patent Judge Richard Torczon has been designated to manage the interference. Bd. R. 104(a).

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

### C. STANDING ORDER

A copy of the Standing Order (SO, Paper 2) accompanies this declaration. The Standing Order applies to this contested case.

### D. CONFERENCE CALL TO SET DATES

A telephone conference call to set dates for action in this contested case is scheduled for **2 p.m. (Eastern) on 2 August 2007**. (The Board will initiate the call.)

No later than **31 July 2007**, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the Standing Order. The parties are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. A party requesting more or less time should be prepared to justify the request.

### E. THE PARTIES TO THIS INTERFERENCE

#### *Junior Party*

Patent: 6,713,608 B2

Title: Purified heat shock proteins

Inventors: Erik S. Wallen, Jan Roigas, and Pope L. Moseley

#### *Senior Party*

Application: 10/640,604 (US 2004/0047876 A1)

Title: Compositions and methods for the prevention and treatment of primary metastatic neoplastic diseases with heat shock/stress proteins

Inventors: Pramod K. Srivastava

#### F. COUNTS AND CLAIMS OF THE PARTIES

##### *Count 1*

The method of 6,713,608 patent claims 1 or 2.

The claims of the parties are:

S&T Corp.: 1-3

Fordham: 78-87

The claims corresponding to Count 1:

S&T Corp.: 1-3

Fordham: 78-87

The accorded benefit for Count 1:

S&T Corp.: 10/176,418, filed 20 June 2002;

09/534,381, filed 24 March 2000;

08/934,139, filed 19 September 1997; and

08/717,239, filed **20 September 1996**.

Fordham: 10/640,604, filed 12 August 2003;

09/090,754, filed 4 June 1998; and

08/527,391, filed **13 September 1995**.

#### G. HEADING TO BE USED ON PAPERS; EXHIBIT NUMBERS

Addendum 1 provides the heading that shall be used on all papers filed in the contested case. See SO ¶ 106.1.1.

The range of exhibit numbers is assigned as follows (Bd.R. 154(c)(1); SO ¶ 154.2.1):

Fordham: 1001-1999.

S&T Corp.: 2001-2999.

H. ORDER FORM FOR REQUESTING FILE COPIES

When requesting copies of files, use of Addendum 2 (SO Form 4) will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

Attachment: Current 10/640,604 claims.<sup>2</sup>

Enclosure: Copy of Standing Order (Paper 2)

cc:

Coleman Sudol Sapone PC  
714 Colorado Ave  
Bridgeport, CT 06605

Jones Day  
222 E 41st St  
New York NY 10017

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<sup>2</sup> For a United States patent or published application listed in this paper, see <http://patft.uspto.gov/>. For the latest claims of a published application, see <http://portal.uspto.gov/external/portal/pair>.

ADDENDUM 1: PAPER HEADING

Filed on behalf of: [Name of Party] Paper No. [Leave blank]

By: [Name of lead counsel]  
Name of backup counsel  
Street address  
City, State, and ZIP Code  
Tel:  
Fax:

]

UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,448 (RT)  
(From Technology Center 1600)

SCIENCE & TECHNOLOGY CORPORATION @UNM  
(6713608),  
Junior Party,

v.

FORDHAM UNIVERSITY  
(10/640,604),  
Senior Party.

TITLE OF PAPER

ADDENDUM 2: FILE COPY REQUEST  
Patent Interference No. 105,448

Attach a copy of sections E and F of this declaration to this request.

On the copy, circle each patent and application that you are requesting.

Include the following information to facilitate processing of this request:

1. Charge fees to USPTO Deposit Account No. \_\_\_\_\_
2. Complete address, including street, city, state, ZIP code, and telephone number:  
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3. Telephone, including area code:  
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